

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO. 360 OF 2010
WITH
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IN
FIRST APPEAL(ST) NO. 2444 OF 2010
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The Oriental Insurance Co. Ltd. ...Applicant/Appellant
Versus
Rajbinder Kaur And Others ...Respondents

Ms. Poonam Mital, Advocate for the Applicant/ Appellant.
Mr. Zeal Karia i/b Mr. Avinash Gokhale, Advocate for Respondent
Nos. 1 to 3.

**CORAM : M.M.SATHAYE J.
DATE : 22nd DECEMBER 2023**

PC. :

CIVIL APPLICATION NO. 360 OF 2010

1. This is an application by the Applicant Insurance Company seeking condonation of delay of 238 days in filing the above Appeal.

2. Heard learned counsel for the Applicant and learned counsel for Respondent Nos. 1 to 3. Office note shows that the Appeal is already abated as against Respondent Nos. 4 and 5. No reply is filed to this Application till date. Considering the extent of delay and averments in the Application, sufficient cause is made out.

3. Hence the Application is allowed in terms of prayer clause (a). Delay is condoned. Appeal be numbered. It is clarified that the delay is condoned only vis-a-vis Respondent Nos. 1 to 3. Appeal stands abated as against Respondent Nos. 4 and 5.

4. Civil Application is disposed of.

5. All concerned to act on duly authenticated/digitally signed copy of this order.

CIVIL APPLICATION NO. 361 OF 2010

1. The prayers in the Application are not at all properly worded. All the rules of drafting are thrown to wind. However, an assertion is made in prayer clause (a) that the Applicant-Insurance Company is entitled for stay of the impugned order during pendency of the Appeal.

2. In view of the admitted position that the Applicant-Insurance Company has already deposited the amount under the impugned order, the Application is allowed. Impugned Judgment and Order dt.04.04.2009 passed in Application (WCA) No. 303/B-62/2001 is stayed during pendency of the appeal.

3. Civil Application is disposed of.

4. All concerned to act on duly authenticated/digitally signed copy of this order.

FIRST APPEAL(ST) NO. 2444 OF 2010

. Place the Appeal for passing further Order on 23.02.2024. An endeavour will be made to finally dispose of the Appeal, subject to time constraints. Parties are at liberty to file compilation of documents.

[M.M.SATHAYE,J.]